

**Table of Comments for Chapter 246-272A WAC**  
**On-site Sewage Systems**  
**SBOH Public Hearing, March 9, 2005**

<b>Comment</b>	<b>Draft Response</b>	<b>Commenter</b>
<b>Technical Comments</b>		
New Section 246-272A-0250 Installation I don't understand why marine shoreline property owners will no longer be allowed to install their own systems. Why should lake front owners, stream front owners, wetland front owners be allowed? I would like an answer.	Because of the increased risk onsite sewage systems pose to shellfish beds, the Department recommends allowing only locally approved installers to install systems along marine shorelines.	Mike Nestor
A one-year cycle for renewal of listed products in Section 246-272A-0145(5), is both onerous and unnecessary. Three year cycle is more appropriate.  (See file for complete comment)	One of the issues discussed by the RDC was the need to assure that the list of approved products is current and accurate. Currently, there are a number of products listed that are no longer available or have been changed substantially since the product was listed. Annual renewal assures that the list contains products that are currently being marketed and have not changed substantially.	Dick Bachelder PSA, Inc 4640 Trueman Blvd. Hilliard, OH, 43026
Section 246-272A-0230 pg 39 I concur with the average of 45 gal/day/capita. I concur with the need to identify on the design the operating and the design capacities. I concur with the 120 gallons per bedroom per day and the 240 gallons per day minimum as design figures. I have a real concern with the 90 gallons per day per bedroom for an operating capacity. Based on my review of the actual sewage flows from several homes with several different numbers of bedrooms, I see a general daily flow of 210 to 250 gallons per day. As a Licensed Designer I specify on my plans that the operating flow for the system is 225 gallons per day (unless the situation is unique.) I believe this figure is a more realistic typical daily flow level. I object to your 270 (for a three-bedroom residence) and 360 (for a four-bedroom) daily operating flow. As these are minimum regulations, adoption of this figure will force me to allow a greater flow, which I believe is unjustified. I suggest you substitute a general figure, based on actual experience than calculation with little basis.	These rules are minimum standards because local health jurisdictions must have rules at least as stringent as these. If you, as a designer want to design a system to more stringent standards (smaller operating capacity) you can.  We agree that this issue should be discussed during the next rule revision process.	Stephen Wecker
Section 246-272A-0010 pg.7 We need a definition for “Residential sewage” or “Residential Strength sewage.” At first I was delighted to see one had been added. Then I read the definition. It is weak, vague, and almost worthless. We might almost think we are better without one. These regulations are attempting to tie-down and provide standards for so much, that the lack of this fundamental element is extremely disappointing. I suggest you postpone adopting these regulations until you can develop such a definition with actual parameters. At the absolute minimum, we need a definition of what is not residential sewage. I envision our courts have severe difficulty with this definition.	The Technical Review Committee and the Rule Development Committee both struggled with trying to find numerical parameters for residential sewage. This is something we will continue work toward. In the meantime, the definition in the proposal is the same as the definition in the current rules.	Stephen Wecker
Section 246-272A-0210 Table IV pg 35 I object to the inclusion of a “swimming pool” after “Building foundation” in the items requiring setback. While I do believe we should setback from such a structure, I don’t believe that “swimming pools” are unique enough to warrant inclusion. The same line of reasoning that	The Department included swimming pools in response to comments from Eastern Washington requesting clarification of this issue.	Stephen Wecker

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suggests we add swimming pools, should strongly suggest we add driveways, irrigation systems, active pasture areas, and other site developments. Alternately we may want to address such setbacks in a generic basis, or perhaps leave it to the Licensed Professional to decide.	Other structures can be addressed in guidance and then considered for inclusion when the rules are reviewed in four years.	
The regulations need a complete keyword index. Though furnished with the previous set of regulations, the index was incomplete. Placed preferably at the end of the document, the index should reference by page all keywords. Such an addition would have been very valuable during the review and revision process.	A complete index will be included with the copy produced by the Department after the rules are adopted.	Stephen Wecker
Section 246-272A As a general statement all, pressurized disposal systems benefit from, and consequently need, timed dosing. I remain adamant on the issue as I have throughout the regulation revision process. While I can perceive situation where it may not be necessary, or possibly advisable, I believe that these limited situations can best be handled through the well established waiver process. This is a consumer benefitting item. In the real world of Washington State I believe most pressure system installations contain timed dosing	The requirement for timed dosing with pressure distribution was in the original RDC proposal. During public comment on that proposal the Department received a number of comments that timed dosing was too expensive and not necessary as a requirement. If designers consider this to be a benefit to their clients, they can certainly add timed dosing.	Stephen Wecker
pg 36, 5, B, II- cover by impervious material. what if the impervious material is protecting the absorbion area from stormwater or rainwater, and does not affect the air passage to the area? i think the rule should read: cover by anything restricting air passage to the treatment area since the reason to avoid 'impervious surfaces' is to avoid air passage restrictions. this would also speak to other ways that air is restricted. compacted tight soil covers for one. the whole issue is easily solved by simply venting the absorbion area properly. so you cant build a garage over the drainfield? no, but what if you vent the absorbion area so it gets plenty of air? ok, how much air does it need? well, i think most professionals would agree that a vent in each end of each lateral, or maybe a vent every 40ft or so would be more than sufficient in a gravelless trench system. i am not sure what would work in gravel. thankyou for wac246-272a-0238. i have been a proponent of this for a long time. i am also a certified monitoring specialist. nuf said. in c, however, it appears that you are requiring timers and data collection on all pump systems. or just accessible controls? fine with me if you do. makes my job easier sometimes. i especially like the 0250, 3, F. everything water-tight, accept the drainfield. what a concept. still think we need venting. even a couple inches of clay will effectively seal off all air passage. my method is cheap, easy to install and maintain. just cut off the inspection port a couple inches below grade and slip a valve box over it. you can mow right over it. its green. the lid is made to be r&r ed many times. if moles are present, you just put some fabric around the pipe before placing the valve box. i really like the inspection section. keep it loose. let them come anytime during construction. in the maintenance section, how does the local health dept. assure that the owner is 'assuring system functionality', on systems that do not require a maint. provider? i think you need to be more specific on solids removal. i would suggest using a tank percentage for the clear zone. it is a bit slippery to nail down, but it would be closer to the issue and maybe easier to regulate. here again under 'G' we are harping on the	Thank you for your comments about impervious material. This is an issue that can be addressed through guidance.	Dan Kelly

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<p>impervious issue instead of the air issue. when we talk about impervious, most people think water. and yes, it is true that rain water carries oxygen with it into the soil, (and other life giving goodies) but we dont seem to differentiate between concrete and clay soil. same thing when it come to letting air into the drainfield. i know this is a little out-there, but i think a green-house or any structure that was properly vented to the absorbision area would make a great drainfield cover. of course drainfield alterations would be difficult, but they are anywhere, and generally not allowed in the existing area. so..... that is all i have for now. looks great. good work! thanks, dan</p>		
<p>Section 246-272A-0210, Table 1V, setbacks. Proposed rule of a 10 foot setback to a UPHILL subsurface storm water infiltration system is inadequate. The proposed rule needs to have upslope and downslope setbacks. A 10 foot downhill setback is OK, but a 10 foot setback to an uphill stormwater system is asking for problems as it could load a huge amount of groundwater immediately uphill of a drainfield. Kitap County Health along with our Kitsap County Development Engineering Dept. have agreed upon a sliding scale of setbacks based on soil depths to an uphill infiltration system, going from a 30 foot minimum setback with 48 inches of soil, to 100 feet with 18 inches of soil. I feel it is VERY important to require a much larger setback to an UPHILL stormwater infiltration system.</p> <p>Table IX - The proposed treatment standards for repairs not meeting vertical and horizontal separations are LESS stringent than table VI. This would let properties on waterfront, or near wells, have a LESSER treatment standard than properties on 5 acres inland with NO setback issues. This is how it is currently in the State rules, which makes it very difficult to apply the rules consistently in a fair manner to all properties. There is no reason for the rules to be applied differently on different properties, whether it be waterfront or acreage. Thank you</p>	<p>The Department will bring this issue to the TRC for further discussion. The addition of a setback for stormwater system is new to this rule revision and something that will need to be evaluated during the next revision process.</p> <p>The treatment standards in the repair table IX are designed to encourage homeowners to address problems to the greatest extent possible.</p>	<p>Tim Quayle, Kitsap County Health District.</p>
<p>We suggest that the rule covers electrical safety as well and sets requirements for compliance to standards applicable to on-site sewage products covered by the rule.</p> <p>Example, Envirolet Composting Toilets are certified to comply with the ANSI/NSF 41 standard. This standard contains a component that reads:  "5.6 Electrical components  Electrical components shall be protected by safety devices, such as circuit breakers and fuses. ANSI/NFPA 70, National Electrical Code shall be followed for all electrical components, electrical connections, system installation, and system operation."</p> <p>In other words, the standard does not require testing and certification to any national electrical safety standards. Manufacturers can self-proclaim that products are safe and it is up to the consumers to challenge</p>	<p>DOH does not feel that it is necessary to establish electrical standards for composting or incinerating toilets because as in-house fixtures these items are addressed through electrical standards in the Building Code.</p>	<p>Ulrik Westergaard  ulrik.westergaard@sancorweb.com</p>

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<p>the statement. We believe the consumer is entitled to greater protection than that. Therefore, Envirolet Composting Toilets (electric models) are further certified to comply with the UL 499 standard for electrical safety, USA, and CSA C22.2 64-M91 for electrical safety, Canada.</p> <p>Regarding the section on certification and registration (246-272A-0110) it is not clear if test results and other proprietary information are required when verifying product performance through ANSI/NSF 41 certification. Please advise.</p>		
<p>RE: Registration of proprietary treatment systems previously listed as an approved alternative system  The manufacturers with products currently on the approved list of systems and products have a vested property right and therefore should not have to reapply for registration under the proposed framework. (See file for full comments )</p>	<p>The Department does not believe manufacturers have a vested property right in their product’s approval beyond the year of product listing. Technology and standards change, the Department needs to be able to adopt new standards to address public health needs.  (AAG review)</p>	<p>Rhys Sterling  1495 N.W. Gilman Blvd.,  Suite 4-G  Issaquah, WA 98027</p>
<p>RE: Proprietary Distribution Systems  There should be reciprocity for distribution systems that have been approved in other states or countries.  RE: On-site sewage designers  The resident homeowner of a single-family residence should not be allowed to design their own system because this is a conflict with designer licensing statutes under chapter 18.210 RCW.  RE: Definition of onsite sewage system  “On-site sewage system means an integrated system of components, located on property where it originates or on adjacent or nearby property under the control of the user, where the system is not connected to a public sewer system, <u>such control at a minimum must be evidenced by an express easement that allows the user permanent and continuous access to such property for purposes including operation, maintenance, testing repair, and replacement of any components located on such property...</u>”  (See file for complete comment)</p>	<p>Re – Reciprocity. One reason the NSF Standard/ETV protocols were selected as the standard for these rules is to begin to establish a “national standard” for manufacturers. If reciprocity was to be considered, similar standards and protocol would have to exist in the other state/country. This is not the case. Standards and protocol vary considerable. Using national standards and protocol that other states are increasingly using makes good technical sense.</p> <p>Re – Conflict with Designer Statutes. The Department of Licensing reviewed the proposal and did not comment on a conflict to this long standing provision.</p> <p>Re – Definition of OSS. The proposed rule attempts to be consistent with two different definitions already in the statute. This change would take the rule definition further from either of the statutory definitions.</p>	<p>Rhys Sterling</p>
<p>RE: The conversion factor of BOD to CBOD  The conversion factor proposed by DOH does not adequately reflect the relationship between BOD and CBOD. (See file for complete comment)</p>	<p>For product registration, the CBOD<sub>5</sub>/BOD<sub>5</sub> formula may be used by manufacturers with treatment product models that are currently specified on the department’s List of Approved</p>	<p>Rhys Sterling</p>

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	<p>Systems and Products. Only those manufacturers with existing department approvals based on previous BOD<sub>5</sub> testing results may submit this type of data in lieu of CBOD<sub>5</sub> test results. In order to maintain product listing, this consequently will include a limited number of manufacturers using the proposed formula. We do not anticipate the proposed formula will cause any currently approved product with 10 mg/L BOD<sub>5</sub> listing to fail to meet the proposed 10 mg/L CBOD<sub>5</sub> treatment level. However, changing the proposed formula to a more stringent conversion methodology may unnecessarily result in discontinued listing those products with test results for BOD<sub>5</sub>, which are currently listed as Category 2 and 3.</p> <p>The CBOD<sub>5</sub> test is generally not performed on raw wastewater and primary effluents since nitrifying organisms are not present in large enough numbers to exert a significant oxygen demand. Large errors have been reported in the measured BOD<sub>5</sub> values when the CBOD<sub>5</sub> test is used on wastewater containing significant amount of organic matter, such as untreated wastewater. Thus, CBOD<sub>5</sub>/BOD<sub>5</sub> conversion formulas are not practical for raw wastewater or septic tank effluent.</p>	
<p>Concern regarding unknown onsite sewage systems not being addressed in these rules. Recommended definition of “Unknown onsite sewage system” means an onsite sewage system that was installed without knowledge or approval of the local health jurisdiction, including those that were installed before such approval was required.” This definition accompanies a proposed amendment to 246-272A-0015(1)(b)(i) to read “Progressively develop an maintain an inventory of all known <u>and unknown</u> OSS in operation with the jurisdiction.”</p> <p>We do not agree with the DOH decision to remove from the September draft what was section 246-272A-0015(1)(b)(vi) “Describe how the local health officer will remind and encourage homeowners to complete the operation and maintenance inspections required by 246-272A-0270 and the long term plan for how the local health officer will confirm these inspections have occurred.”</p>	<p>The RDC could not reach agreement on the unknown system issue. The legislature is considering the addition of unknown systems.</p> <p>The language regarding how the local health officer will remind and encourage homeowners to complete inspections is still in the rule. Only the language regarding the long term plan for how the local health officer will confirm inspections was removed.</p>	<p>Bill Dewey Taylor Shellfish SE 130 Lynch Rd. Shelton, WA 98584</p>

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<p>We do not concur with DOH’s decision to reinsert exemptions which relax setbacks on marine shorelines for expansion (50 feet) or new systems (75feet). We recommend the following amendment to section 246-272A-0210 (4) “...an individual water well, individual spring, <u>non-marine surface water</u>, or surface water that is...” In section 246-272A-0290 we recommend deleting (2).  (See file for complete comments.)</p>	<p>The provision for relaxing the setbacks along marine shorelines was reinserted after strong comments from the counties this would impact. Their feeling is that the setback exemption is an important tool to help encourage upgrades.</p>	
<p>1. State oversight of local programs.  We feel it is imperative that DOH review and approve local plans. The state has a duty to ensure that water quality is maintained and that local jurisdictions create plans for their local that meet this objective.</p> <p>2. Renewable operating permits and inspections  Section 272A-0200 should be amended to require a renewable permit which expires at the end of three years for conventional gravity systems and at the end of one year for all other systems. Renewal should be dependent on inspection by a qualified professional to insure that the system is maintained and operating correctly. At a minimum, a requirement for regular inspections and reporting to local health authorities should be inserted into -0270.</p> <p>3. Special protection for Marine waters  We would like to see rule “exemptions” (such as the 75 foot horizontal separation requirement in 210(3)) not apply to properties along marine shorelines.</p> <p>In conclusion, the proposed rule is a step in the right direction. We support changes in minimum land area requirements, modest improvements in Operation and Maintenance and other changes to protect water quality. Our primary concern is that the changes provide too much flexibility to local health programs.....  (See file for complete comments.)</p>	<p>1. DOH is required to establish guidance to help assure the plans meet the minimum expectations and establish what “completeness” is. DOH believes that reviewing the local plans of marine counties and reporting to the local board of health will help assure that plans are adequate.</p> <p>2. While the intent of an operating permit is understood, the majority of interests on the RDC could not accept the concept of requiring an operating permit, nor having a state requirement for certifying individuals who perform monitoring/maintenance work. The homeowner is responsible for regular inspections according to the proposed rule, but agreement could not be reached on how to provide assurance that the homeowner does the work.</p> <p>3. A change to the RDC draft was made to accomplish this, but many comments were received that strongly suggested this change should not be made and so DOH went back to the original proposal.</p>	<p>Bruce Wishart  People for Puget Sound</p>
<p>1.The Department of Ecology strongly supports the nitrogen treatment standard. Nutrient loading has contributed to low dissolved oxygen in marine waters such as those observed in Hood Canal. The standard will help protect ground water from Nitrate contamination, which can become an immediate public health threat where wells are the primary source for domestic drinking water.</p> <p>2. Ecology supports the minimum land are requirements in 246-272A-0320. These requirements will also help to limit Nitrate contamination of ground water, by limiting the cumulative ground water quality effects of multiple small systems in an area.</p> <p>3. Ecology supports the local management and regulation section 246-272A-0015 and the operation and maintenance section 246-272A-0270.</p>		<p>John Stormon  Department of Ecology</p>

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<p>4. Ecology supports the soil type classifications in 246-272A-0220. A major portion of the treatment provided by OSS occurs in the soil dispersal component. The refinements in the portion of the draft rule will help to ensure that OSS continue to function properly and protect public health and the environment.</p> <p>5. The Department of Ecology remains concerned that the level of discretionary judgment allowed in this rule could be misused. Inappropriate application of the rules could result in many of the needed improvements being lost during local implementation.</p>	<p>Local health jurisdictions best know the conditions in their counties and must have discretion to match levels of protection needed to different geographic areas within their counties.</p>	
<p>Washington has worked over the past 10 years to develop programs to satisfy most of the CZARA requirements. One of the few remaining programs for Washington is an onsite disposal management program that meets national management measures. While we have some specific comments and suggestions on the proposed regulations outlined in the attachment to this letter, we believe there are only two things the state must do to make Washington's OSS system compliant with the national management measures.</p> <p>(1) Periodic inspections must be conducted by a qualified individual.  WAC 246-272A-0270(1)(d) should stipulate that inspections be conducted by <u>a certified, licensed, or approved septic inspector, pumper, or engineer.</u></p> <p>WAC 246-272A-0270(1)(d) should also be revised so that, at a minimum, the <u>property owner retains documentation that the inspection occurred.</u> Preferably the property owner or inspecting official will also be required to notify the local health jurisdiction when the inspection occurred, the location of the system, and any problems observed that need to be addressed.</p> <p>(2)The state must establish a program to address environmental issues related to OSS. We understand the state legislature is considering legislation to do this.  (See file for full comments)</p>	<p>1. We agree that inspections should be conducted by knowledgeable individuals. Most counties have education programs in place to teach homeowners how to care for their own systems. Many homeowners choose to contract with a professional. The RDC discussed the licensing of O&amp;M professionals but could not reach consensus on how to do this. Currently, there is no state licensure or certification program. Some counties certify O&amp;M professionals.</p> <p>Homeowners will be required to pass monitoring history to a buyer of their property. Thus, it is expected they must keep records of any monitoring done to accomplish this. Also, currently, many local jurisdictions do not have the resources to maintain databases needed to collect, input, and analyze data submitted to them.</p> <p>2. This is currently being considered in proposed legislation.</p>	<p>Tom Eaton, Director  EPA, Region 10</p> <p>John King, Chief  Office of Ocean and Coastal  Resource Management  NOAA</p>
<p><b>WAC 246-272A-0220 Table V</b> The 90% course fragment (CF) rule change for class 5 &amp; 6 soils from the previous limit of 60% cf limit for all soils is of concern in that we are not convinced that only 10% soils, as proposed, will be adequate to protect ground water for the following reasons:</p> <ul style="list-style-type: none"> <li>• Void spaces created by the 90% CF may allow for more rapid draining despite the finer textured class 5 &amp; 6 soil types (especially if loose).</li> <li>• When the CF size is greater than cobbles void spaces will increase to the detriment of adequate treatment.</li> <li>• There is much less true soil surface area available for <u>treatment</u> of pathogens when soil is present in these small percentages.</li> </ul>	<p>The change to soil classifications was based on guidance from the USEPA and the USDA. Local health jurisdictions may adopt rules that are more stringent than the state minimums proposed here.</p>	<p>Matt John R.S.</p>

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<ul style="list-style-type: none"> <li>• There is much less soil available for waste effluent <u>retention</u> when the soil present is of such a small percentage.</li> <li>• With such small soil percentages the likely hood of non-uniform drain field area sections that have even less than 10% soil is increased (no safety margin).</li> <li>• We have yet to see any true published scientific research from WDOH (or any other source) showing that such small percentages of soils can adequately treat residential strength septic tank effluent waste water prior to its contact with ground water.</li> <li>• Field evaluation of soils up to the 90% CF limit will be difficult at best to ascertain in the field. The error potential will be likely to increase and inadequately protected ground water may be more likely to occur.</li> </ul> <p>We would propose a compromise to that of limiting CF percentages in soils 5 &amp; 6 to 75% maximum until true scientific data (through experimentation with the soils in question) is presented that supports the proposed 90% CF limit.</p>		
<p>WAC 246-272A-0234(b)(ii)  “Loading rates equal to or less than those in Table VIII applied to the infiltrative surface of the soil dispersal component or the finest texture soil within the vertical separation selected by the designer, whichever has the finest texture.” This section of the proposed WAC is not consistent with our findings of this issue in Clark County. Reasons:</p> <p>1.Current system sizing is based on the characteristics of residential wastewater. To consider this infiltration sizing to be applicable at depths as much as three feet below the trench interface is flawed for two reasons:</p> <ul style="list-style-type: none"> <li>a) The water is treated (microbes have provided treatment and it is filtered by the soil interface).</li> <li>b) The hydraulic process is not infiltration (absorption of wastewater through the soil surface); it’s treated water that is moving within the soil. This process is now considered “soil hydraulic conductivity”. Treated wastewater acts like native water which has a higher conductivity.</li> </ul> <p>2. Clay soil textures in the proposed WAC have no sizing parameters (see WAC 246-272A-0232 Table VII), yet Natural Resource Conservation Service (NRCS) consider clay textures to have a “saturated hydraulic conductivity” of 0.0 to 0.2 inches /hr or 0.0 to 3.0 gal/sq. ft./day in subsoil. This is a wide range which depends on soil structure (non-structure vs. strong structure), type of clay (expanding clay vs. non-expanding clays), and amount of clay (40% vs. 80%). Since clay is not rated in the proposed WAC, do we now consider clay to be a barrier when it may have 3.0 gal/sq. ft/day soil hydraulic conductivity in the subsoil?</p> <p>3. In our county if we follow these new proposals, the Hesson soil series (which is a well drained soil having a clay layer starting at 22 to 48 inches and a clay loam surface) will typically require an</p>	<p>There needed to be a way to determine which soil is used when there is more than one type of soil in a vertical separation. Based on comments, the finest textured soil was selected. This provision is a new provision that will need to be evaluated during the next rule revision process.</p>	<p>Steven Keirn  Soil Scientist  On-Site Wastewater Treatment  Systems Inspector  Cert/License No. 5200151</p>



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<p>alternative treatment septic system.</p> <p>For the Hesson soil, we size the drainfields based on the clay loam surface and have had no problems with premature failing due to a clay subsoil that has no soil mottling. There is approximately <u>40,810 acres</u> of this soil type in our county and there are other soil series like it. I suspect that there are other counties in Washington State with soils like this.</p> <p>Where is the homework to justify the proposed language? Please look at other counties' soil survey reports to see if they have a soil series classification that is <u>clayey, well-drained, and has no shrink-swell clays</u>. Any such soils, which are currently approvable for gravity septic systems, would require alternative treatment under the proposed WAC language.</p> <p>For these reasons, I strongly recommend that WAC 246-272A-0234(b)(ii) be removed from your proposed revision. We could, in Clark County, grant waivers on this, but it would be a paperwork burden on our limited staff resources.</p>		
<p>These comments are submitted on behalf of the Surfside Homeowners Association (SHOA) on proposed changes to Chapter 246-272 WAC governing how on-site septic systems will be designed, installed, and maintained.</p> <p>The Surfside Homeowners Association consists of about 2,000 members who own about 2,870 lots, including about 1,600 undeveloped lots. We are served by our own public water supply with about 1,700 water service connections, which serves all lots in Surfside. Virtually the entire community is currently served by septic systems for wastewater disposal. We had about 1,550 residential households in 1998, of which about 600 were permanent. We have had a growth rate of 3-5% per year for the past three years in new housing starts. We deliver an average 100 million gallons of water per year to our customers, from a series of shallow and deep wells. While we serve a small number of properties adjacent to SHOA with our water, this is done upon application only, and those properties may be intermixed with owners with private wells.</p> <p>We have reviewed the proposed regulations and have the following comments.</p> <p>The effects of the proposed regulations apparently would increase drainfield sizes by 25% in much of the peninsula, including virtually all of Surfside Estates. We have almost 1,600 undeveloped lots which apparently would be affected by the increased drainfield requirements, and inspection requirements of the proposed regulations.</p> <p>About 500 of our approximately 2,000 owners have purchased two or more lots adjacent to each other to provide flexibility in land uses, including possible septic system expansion in the event of a failure. At the same time, many properties are small enough that expansion of drainfield sizes may preclude the possibility of development or impose substantial limitations on household "footprints."</p>	<p>Sizing drainfields and maintaining systems so they increase the probability for functioning properly for long-term periods when the system is under full-time use is critical. The proposed sizing and O&amp;M changes help assure that. This should increase the probability of longer system life expectancies and cost savings to the system owner.</p> <p>The Department is recommending an amendment to address your concern regarding drainfield sizes. With a change being</p>	<p>Surfside Homeowners Association  31402 H Street  Ocean Park, WA 98640</p>

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<p>We have worked closely with Pacific County authorities to actively manage the septic systems in Surfside, and are not aware of any significant failures of systems in Surfside since the code changes in the mid-1990s. We are unaware of research studies conducted in Pacific County in soil circumstances similar to ours which would justify an increase in drainfield size.</p> <p>We also regularly sample raw water from our well fields, the finished water in our distribution system, and the surface waters in our canal and lakes. We have found no indications of contaminants which would be generated by septic systems in either our shallow or deep wells. We have installed chlorine contact systems at our shallow well fields, to provide additional insurance against bacteriological contamination. We are acutely aware of the need to protect our groundwater, and would be the first to raise concerns about contamination, should it occur. We are committed to long-term, cost-effective septic regulations.</p> <p>With respect to vertical separation to qualify for a gravity system, and horizontal separation in the vicinity of shellfish growing areas, existing County standards are already more restrictive than state regulations.</p> <p>With respect to the proposed increase in operation and maintenance requirements, we question the very stringent inspection frequency requirements, particularly in view of the fact that no funding is made available to do so. Pacific County is stretched quite thin in resources to manage existing programs of all kinds, and additional unfunded mandates by the state should require a showing of real necessity before being imposed.</p> <p>We understand that DOH is considering alternative wording to provide flexibility to the local health officer to permit lots to be developed in accordance with the 1995 rules, and we support this alternative.</p>	<p>proposed, Pacific County has assured us that existing, undeveloped lots in developments such as this that can be developed under the current rules can also be developed under the proposed rules.</p> <p>Prevention is the incentive for many of the changes, not just reacting to systems that are failing and why they're failing. The collective opinions of the RDC, after looking at what research around the US suggests, what professional experiences have been, and what is being suggested by USEPA and other authorities, reflects the focus on prevention.</p> <p>Changes to vertical and horizontal separations are not being proposed. By being more restrictive, Pacific County recognizes the sensitivity of the area in which this development is located.</p> <p>We recognize additional resources will be needed for marine counties to implement the planning and management requirements.</p>	
Minimum Land Area		
<ol style="list-style-type: none"> <li>Proposed rule changes for chapter 246-272AWAC would require substantially larger lot sizes for onsite septic system within Urban Growth Areas, resulting in an inefficient land use pattern. Grant funding should be provided, above and beyond opportunities for loans, to assist in infrastructure extension for public sewer service.</li> <li>An analysis should be conducted by DOH in concert with the State DCTED on the impacts of proposed rule changes for the limited opportunities of intense rural development provided by the Growth Management Act.</li> </ol> <p>(See file for complete comment and analysis of number of lots potentially lost due to minimum lot size proposal)</p>	<ol style="list-style-type: none"> <li>For the creation of new lots, a method will available, as it is in the current rule that will allow lot sizes available under the current rules (down to 12,500 sq feet). For undeveloped, existing lots of record no real change is occurring – a lot that can be developed under the current rule can be developed under the proposed rules. Growth management requirements usually restrict the use of new OSS in urban growth areas, but where determinations are made that OSS can be used in such situations, lot sizes currently available will be available when technical justification</li> </ol>	<p>Ken Stanton, Chair  Dane Keane, Vice Chair  Mary Hunt, Member  Douglas County Board of Commissioners</p>

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	<p>is developed and presented.</p> <p>2. Communication between DOH and DCTED occurred to help assure consistency between the proposed OSS rules and the GMA. Both the current and proposed rules contain the capability for using cluster systems in which a number of homes on small lots are served by a single system.</p>	
<p>As an industry, we agree with the Department of Health’s desire to make changes to the rules governing onsite septic systems to protect public, including come of the proposed change to the operations and maintenance requirements. However the changes suggested to the minimum lot sizes goes above and beyond the requirements that have been established for the DOH and attempts to affect environmental issues as well. With these changes, additional problems would occur including Cities and Counties ability to meet the requirements of the GMA.</p> <p>There is insufficient time for adequate review, drafting and approval of appropriate and agreed-to final rule language on lot sizes.</p> <p>(Excerpt of real estate petition. See file for full documentation.)</p>	<p>Communication between DOH and DCTED occurred to help assure consistency between the proposed OSS rules and the GMA. While the “starting point” for the minimum land area using the “cookbook” method did change (to ½ acre with public water), the ability for both existing and proposed lots to get down to the minimum size existing in the current rules(12,500) is still available in the proposed rules. The proposed rules do not attempt to affect environmental issues. The primary reason for the changes in minimum land area is related to public health protection by trying to control nitrogen concentrations in ground water.</p> <p>The Washington Association of Realtors was represented on the RDC and was involved in the review and drafting of these rules over the last 3 years.</p>	<p>Olympia-Thurston Realtors North Puget Sound Realtors Yakima Association of Realtors Tri-Cities Association of Realtors</p> <p>Approximately 600 signatures</p>
<p>Section 246-272A-0320 (2)(e) pg 55 This section allows for building on lots where they cannot meet density requirements. One of the conditions (I) is that they created the lot prior to the effective date of this chapter. Dave Lenning, in his Bremerton public presentation, stated that the effective date would be after the Board of Health approves these regulations. Unfortunately this is not the way local Health Departments view this. In my plentiful experience with several local agencies, I find they believe the effective date is 1976 when the first regulations (approved in 1974) first became effective. In essence those Health Departments believe the lot must be created prior to 1976 to be a lot of record. Lots after that date cannot take advantage of this section. This can be a serious concern. If the regulations seriously believe the date to be when this revision becomes effective either the wording should be changed or a date inserted.</p>	<p>The proposal repeals the current chapter 246-272 WAC and will replace it with a new chapter 246-272A WAC. This action will make it absolutely clear that the effective date of the chapter will be the effective date of 246-272A (expected to be sometime in 2006 or early 2007.)</p> <p>If section 246-272A-0320 is amended in the future, the Board should make clear at that time in the text of the rule the date that is intended.</p>	<p>Stephen Wecker</p>
<p>Table "X" is as arbitrary as the one it replaces. There is nothing scientific to justify or require the increase to .5 acre lot size. This just adds the expense of hiring another consultant for the Method II analysis. Also, .5 acre conflicts with the common zoning delineation of 20,000 sq ft as a minimum lot size. The overall density</p>	<p>This issue was not raised by the land use planning interests on the RDC, nor during either of the informal public comment periods. It is expected that “common” lot size varies from</p>	<p>Anonymous</p>

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achieved is the same due to area consumed by roads, open space etc, so be consistent with the planners and use 20,000 sq ft.	county to county. While there is an anticipated cost to develop the report, the “starting” minimum lot size of ½ acre when a new proposed lot is to be served by public water can be reduced when justification is presented.	
Over the last 25 years I have built over 200 homes on septic systems on lots smaller than the proposed half acre minimum. The majority of those were built on quarter acre lots which has been the established minimum for decades. To my knowledge NONE of those systems have ever failed. How in the world has the State , in its infinite wisdom, decided to double the minimum lot size for no scientific reason. Hundreds of thousands of homes have been built on 12,500 square foot lots with no adverse consequences. (While I am sure there have been isolated failures along the line - the most probable cause would be horrible soils or system abuse) Minimum lot size has NOTHING to do with the cause of failure. Once again, the State cannot keep its nose out of everybody (successful) business. There is no problem here - But there will be as soon as you pass this WAC. What about the defacto rezone this creates. What about the poor owners of platted lots of under half an acre. Are you going to buy them out? Or just take their land? How about land owners that own property within a UGA that can now be subdivided into smaller lots than half an acre. Is this WAC going to cut their lot yield in half. Yes it is! Doesnt GMA mandate smaller lots and concentration in UGA's? Yes it does! Once again the State is wasting our taxpayer time and money fighting the State itself. This whole thing needs to go in the garbage can - along with the bureacrats who thought this up.	The status of existing, undeveloped lots will not be affected by the proposed changes to minimum lot size. New lots will have the same capability to be reduced to the minimum lot sizes permitted under the current rules, though the justification must be presented. The primary impetus of the proposed revision on minimum land area is the protection of public health by controlling the concentrations of nitrogen in ground water resources.	Jim Short
I would just like to voice my concern over these proposed rule changes. Affordable housing is already at unacceptable levels. Because of these lot size requirements, families looking to purchase homes will be affected greatly in their pursuit of the American dream. Prices in many areas are already highly disproportionate to income. If these proposed regulations are enacted it will accelerate the disparity. It also seems that the costs of the programs will be required to be taken on by the local cities and counties who’s budgets are already to tight to handle many of the other regulations for land management. No assistance is included in the proposal. Not to mention, proposed changes are unnecessary because increased protection will occur through already newly enacted amended operation and maintenance standards. These new standards should be given a chance to work before economically harmful land restrictions are imposed. I urge you to think things through before enacting any NEW septic regulations. The continued increase in regulations are stifling the people of Washington state. People who own homes are more productive citizens in business and in civic duty. Let’s continue to move in the right direction. Giving our citizens the ability and desire to participate in our growing economy through homeownership.	As stated in responses to previous similar comments, it’s the “starting point” in the “cookbook” method that is proposed to be changed (to ½ acre). The capability for reduced minimum lot size (12,500) available under the current rules is still available under the proposed rules for both existing lots of record and the creation of new lots.  Local jurisdictions are responsible for developing and funding their own programs, though a budget request to the legislature has been made to fund the planning activities for marine shoreline counties.	Mark Craig [markacraig@comcast.net]
I don't think that increasing minimum lot size will solve anything. There may be smaller lots that have suitable conditions (soil and drainage) for a standard septic system; just as there may be larger parcels that	See responses above	Nick Nicholson [pokeynick@comcast.net]

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<p>would require an engineered system.</p> <p>Approval of the systems should be given on the basis of the conditions that are specific to each parcel of ground , regardless of size, providing there is adequate space to install the type of system necessary to adequately serve it.</p>		
<p>With regards to the Onsite Sewage System, as a Realtor this will impact the real estate business by property owners having to increase the size of their property which will be adding cost on to the property owners who may or may not be able to afford to acquire additional land for the OSS, especially in the subdivision's where there is no property to acquire for the OSS. This proposed change will also stop new homeowners buying property here on Whidbey Island.</p> <p>These proposed changes are not necessary as increased protection through maintenance and new treatment levels should be given a chance to work before these land restrictions are imposed.</p>	See responses above	<p>Pat Woodland  Dalton Realty, Inc.  Whidbey Island</p>
<p>Regarding the cost analysis done for the new onsite sewage system rules: Have you included the costs that will be incurred in the onslaught of lawsuits that will be filed?</p> <p>Specifically, there are regulations in effect that protect citizen's rights against having their property "taken" by the government without fair compensation. Court rulings have recognized that the "taking" need not be literal, that denying the ability to use the property is the same as "taking" it from them, as is destroying it's market value.</p> <p>The proposed regulations will have the effect of making tens of thousands of buildable lots unbuildable, drastically reducing the value of that land and denying it's primary use. You will be "taking" the value and use of the land from the landowners.</p> <p>I currently own no vacant land that will be devalued by your proposed program. But if I did, I would certainly join into one or more lawsuits to restore my property. Don't you think there are thousands more who will? How long and how expensive for you will that battle be? Are you prepared for this very predictable response?</p>	<p>See responses to previous similar comments.</p> <p>If an undeveloped, existing lot of record can be developed under the current rule, development of that same lot will not be affected by the proposed revisions to the minimum land area.</p>	<p>Dan Zarlengo  PO Box 489  Kent, Washington 98035-0489</p>
<p>REALTORS® are concerned the proposed rules urge increases to the Minimum Lot Size requirements. These changes will increase the cost of housing while decreasing the number of families in Washington State that can afford to buy a home.</p> <p>With regards to the transfer of property, these rules affect our clients. The proposed rules mandate regular inspections and maintenance for their OSS for which property owners are required to keep records to be made available when the property is transferred. No guidance is provided for completing transactions should the full documentation not be readily available.</p>	<p>DOH believes it is important to educate and encourage homeowners to keep maintenance records. However, we have suggested an amendment to clarify that sales will not be held up if records do not exist.</p>	<p>Viki Andrews  [mailto:vandrews@johnlscott.com]</p>
<b>General Comments</b>		

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I farm oysters on Willapa Bay under a Shellfish license from the WSDOH. Water quality issues affect my livelihood. Recent research on the dead zone in Hood Canal makes it clear that septic sytems in shoreline areas can contribute significantly to anoxic conditions. I am happy to see the new onsite rule strengthened by requiring annual inspection of shoreline systems. The new requirement for monitoring of nitrate level in septic effluent should encourage better treatment systems and reduce nutrient loading to ground and surface waters. The cost of failed septic systems is too often passed along to shellfish farmers when harvesting is restricted. It is time for sensible rules that put the responsibility for maintenance and repair on the owners of onsite systems.	Both the existing rules and the proposed revisions intend to provide adequate protection to public health, including ground and surface water issues related directly to that. The proposed revisions represent a compromise between various competing interests on how to best achieve that intent.	Larry Warnberg
When and where will the full text of the cost benefit analysis report be available to the general public.	The full text of the cost benefit analysis is available on the DOH comment site or will be mailed upon request. (Direct response already sent to commenter)	Anonymous
Gave quick review and it is clear that these changes will be very costly to implement in many cases. Based on this observation, I do not feel that a reasonable case has been presented for these changes. What I read were sweeping statements without specific proof that present requirements are not sufficient. No matter how detailed the rules, there will be failures. I feel a very specific listing of actual documented failures and their causes must be made before any changes are made. I really doubt that such a list could justify these costly changes to the present requirements. From a practical standpoint, simply correcting failures of septic systems works very well in this complex world, as we will always have failures, but there are very few of them so timed inspections, which can not assure that there will be no failures is money mostly wasted.	Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed.	Allen Peyser, P.E.
This proposal is too broad, too costly to implement, and unnecessary. Please utilize taxpayers' money/state resources in a more cost-effective way to directly address problems related to older failing systems.	The proposed revisions represent a compromise between many competing interests in how to best manage OSS. Costs were considered in the decision-making process.	S Hennig
<p>I live in Clark County one of the largest and fastest growing counties in the state. I am a realtor and deal a lot in land and was surprised to find that there were proposed rule changes for installation of septic systems. I was further surprised to find that there were work shops but none were held in Clark County. It is certainly not reasonable to travel to Olympia, even if I know of the hearing, when we are a major population center in the state.</p> <p>Having said that, I have not had time to look at the specifics of all the changes you are proposing, however, I am always concerned as to why any changes are proposed. So can you give me the number of failures, adverse effects of those failures, why they failures occurred and how your proposed rule changes will reduce the problem and what is the value of the rule changes to the home owner?</p> <p>I have asked some of these questions to our local health department and do not get an answer. Most of the difficulties that I am aware of are due to lack of maintenance. Most failures can be repaired and are not a long term problem, we have new technology (and expensive) that is required allowing for better, I</p>	<p>A workshop was held in Vancouver on February 3, 2005 at the request of the Clark County Health Department. They advertised it. We are sorry you did not find out about it.</p> <p>Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed.</p>	Vern Veysey [veysey@pacifier.com]

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<p>assume, treatment. We have legal lots that should be allowed to be served if they were approved by local government, a change now is a severe reduction in value, is there an exception for existing legal lots? Isn't the type of soil, size of home, reserve disposal sites all related to the ability for a system to work? If so why draw a line in the sand by changing the lot size?</p> <p>These are just a few questions that come to mind. It is difficult to make comments on changes when the reasons for the changes are unclear and options are not discussed. I suggest that you write a paper including responses to the above comments for public review and then ask for comments. After that, have other hearings and then we might be prepared to give more specific comment supporting or not supporting the proposed changes.</p>	<p>As stated in responses to earlier comments, existing lots of record are not affected by proposed revisions to the minimum land area requirements.</p>	
<p>I do not concur with your On-site Wastewater recommendations. What I see is another example of "The sky is falling, The sky is falling" approaches. Do your homework and above all be honest with the people you are supposed to serve! Why an arbitrary size, of 0.5 acres? Does 0.5 acres assure percolation and 0.45 does not? You need to increase your study to include all 39 counties and apply severe restrictions only where they are specifically needed. Thank you</p>	<p>Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. As stated in responses to previous similar comments, it's the "starting point" in the "cookbook" method that is proposed to be changed (to ½ acre). The reduced lot size available under the current rules (12,500) is available under the proposed rules for both existing lots of record and the creation of new lots.</p>	<p>Michael Nettles</p>
<p>This is unnecessary state wide regulation, that will cause financial burden on homeowners. The regulation needs to be at the local level not the state level.</p>	<p>These rules establish a state-wide minimum. Local health jurisdictions implement these rules and may be more stringent.</p>	<p>Jeffrey L. Wood</p>
<p>In a revision of rules there needs to be a financially feasible remedy to existing problems. If the remedy is not feasible there will be a loss of housing and significant financial stress to some of our poorer residents. Most If not all of the residents in this State, Country could not afford to pay for the installation of a sewage line if their septic failed to meet today's standards. Some can not even afford to update their existing systems. I know the stress personally in that I purchased a property that had a system fail only 1 year after my purchase. I had the Health dept. inspect the septic system when I purchased the home and it passed. I had to have it replaced with a new system at a significant cost.</p> <p>Can there be some sort of system in place to allow people to receive financial assistance if they can document that they do not have the capacity to remedy the situation? In the lack of financial assistance, a remedy that will allow the people to remain in their home? I realize that our water quality is important but</p>	<p>A primary intent of the existing rules and the proposed revisions is to minimize the situations in which you found yourself.</p> <p>A number of local health jurisdictions have low interest loans available just for the purpose you suggest. Additionally, this has been discussed by the current state legislature to develop further routes of assistance.</p>	<p>DeCook, Jack J. [john.decook@wamu.net]</p>

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so are the lives of the people that use the water. There needs to be compromise.		
I am a home loan consultant; I closed 195 home loans in 2004. I work with home owners daily in their attempt to get a house. It is not easy for most people to accomplish this. We need to be careful that there are no unseen traps that will take away what these people have worked so hard to get. Remember, I had the Health department inspect the system on the house I bought and it failed shortly after my purchase. Thanks for your time and please feel free to call me.		
Please don't make this proposed regulation go to effect, a lot of people will lose their land and a lot of small lots will become useless. For some folks that is all they can afford to have their own home. thank you for your attention.	The status of existing, undeveloped lots under the current rule will not be affected by the proposed changes to minimum lot size.	katuha@lycos.com
I, neighbors, and friends strongly oppose the newly proposed regulations for septic systems. There are few or no problems of illness, pollution, etc....relative to the hundreds of thousands of septic systems that have been operating properly for decades. How can homeowners and home builders afford the additional costs? Please reconsider the change and let local (county) governments analyze and made changes if necessary. Thank you	Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. The proposed revisions represent a compromise between many competing interests in how to best manage OSS. Costs were considered in the decision-making process.	Peter Grahn
As a Realtor, I am extremely concerned about the new regulations that are being considered for existing onsite septic systems. I work in an area, Lake Forest Park, which is inundated with older septic systems that will continue to fail over the years. The City has very limited funds to add new sewer lines, so the options for homeowners and sellers can be unfair and extreme. It is my contention, that there be some type of "grandfather" consideration to homeowners that want to act responsibly without picking up costs which would normally be allocated on a fairer basis if the City were improving neighborhoods. Some of these homes will not have large enough yards to support a new system and having individuals bear the cost of providing sewers in areas that are not ready for them yet is financially crippling. This will severely affect the marketability of properties that have existing older septic systems. Thank you for your consideration.	When an OSS fails, a public health concern is created. Whenever there is the possible exposure of untreated sewage to the public, steps must be taken to resolve the situation. For systems that fail, the current and proposed repair sections provide considerable flexibility in installing a repair system. Systems that are working will not have to be brought up to new standards. Only systems that fail will need to be repaired. Sewers will not be required. These rules only deal with situations when OSS are to be installed. If sewers are a possible resolution, especially in areas such as yours, they should be pursued. Different entities, agencies, requirements, and funding sources apply when sewers are to be considered.	Jim and Kris Barrows [barrowsjk@comcast.net]
Please don't feel like you have to do something so sweeping to cost everyone with a septic system a lot of money for no good reason.	Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences	Jerry Jensen



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	of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. The proposed revisions represent a compromise between many competing interests in how to best manage OSS. Costs were considered in the decision-making process.	
If it ain't broke, don't fix it. Island County has existing regulations that work fine. I don't see the justification for changing them at what could be a major expense to homeowners, many of whom will be retirees on fixed incomes. If I can't rebuild my house because of restrictive OSS regulations, I'll be living out my final years in a building that is sub par on many other regulations including earthquake, fire, flood, pest, energy efficiency, and accessibility. Is this supposed to be an improvement? Nowhere in the document did I see any justification for stricter standards.	Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. Proposed changes to the rules should have little impact (compared to existing rules) on rebuilding your house.	Anonymous
I as a Real Estate Agent feel that we don't need to change the on-site sewage systems, if they aren't broke then shouldn't be fixed which will cost the homeowners money that I am sure most don't have the funds to re-do or fix systems if they have no problems.	Systems that are working will not have to be brought up to the new standards. Only systems that fail will need to be fixed.	Pat Woodland
"The failure of large numbers of such systems has resulted in significant health hazards, loss of property values, and water quality degradation." OSS, IF improperly located, designed, installed, operated, and maintained, CAN adversely impact public health and environmental quality." This statement taken from the latest draft seems to be the main rationale for imposing this new "TAX". If and can are not definite, but I'm sure the facts are there where failures and publics health issues have been raised. But to have rules that impact all for the few that fail is like saying, if one drives erratic, an accident can occur. So lets impose costly mandates on every driver in the name of public safety. But to prevent what? The reality that some will impact the health of others? No regulation can stop all ifs and cans. Imposing sweeping regulations is unfair to the hundreds of thousands and potentially millions for unwarranted or unsubstantiated faultiness. If there is a failure in large numbers of systems, are they not limited to known at risk areas or previously approved designs. Why not limit new regulations to those known at risk area. Plus the 1/4 to 1/2 acre requirement is extremely burdensome to ensuring there will be enough affordable housing to meet Growth Mgmt Act goals. At any given time, there will be hundreds of lots for sale that do not meet the minimum size for an OSS system. The impacts to existing land owners and potential home buyers have the following negative impacts: 1. If there is no sewer, hundreds and thousands of smaller lots will become worthless. The new regulations should reflect a significant reduction in assessed values, thus reducing property tax revenues for the County coffers. 2. If these lots cannot be built on, you lose the opportunity to increase assessed values, thus resulting in reduced revenue options for the Counties. 3. With these reduced revenues, how will Counties be expected to implement and enforce these new laws. If you can't enforce, then the laws carry no weight. 4. These new	Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. The status of existing, undeveloped lots under the current rule will not be affected by the proposed changes to minimum lot size.	Randy Schimon

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laws will add an unfair burden to home owners who purchased homes that had existing systems approved by the regulations at the time they were installed. Pierce County has already imposed regulations that you cannot sell a home without having a test of the systems operability. So these current regulations allow an opportunity to pinpoint where the at risk areas really exist. 5. Lastly, with the new technology advancements that are available, lot sizes should not be limited as these new regs impose. In summary, these regs really look like a camouflaged government attempt to confiscate personal property illegally by making property values worthless on smaller lots and legalized blackmail by imposing unreasonable fees to get new OSS's approved. It's like telling the property owner we are going to make this extremely difficult to sell or develop a piece of property, but if you have enough money, we will take it in the name of "public safety". Do not, I beg you, impose this unfair proposal on a public that will be blindsided by this hidden "tax" that will reduce discretionary income to boost the economy.		
There does not appear to be justification for these rule changes. The specific problems are not clear and are not specified. There is too much speculation as to what might happen to justify the costs and the burdens imposed on property owners. I am against these changes unless justified more clearly.	Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. The proposed revisions represent a compromise between many competing interests in how to best manage OSS. Costs were considered in the decision-making process.	Anonymous
Grandfather in all previously installed septic systems that are working well. If not, the damage and cost to the public will be catastrophic. Do NOT make your solution worse than the problem!	Existing working systems are grandfathered for design requirements that were in place at the time of approval.	Wallace L. Hume
The proposed rules will be costly to land owners who have not yet built on their land. The "SKY IS NOT FALLING". The current rules make systems expensive as is. The proposed minimum size for lots will make thousands of parcels unbuildable. We currently have enough Government in our lives, please don't give us all of the government that we now pay for. The taxpayers can't afford it. Do not fix something that is not broken just to justify a position.	If an undeveloped, existing lot of record can be developed under the current rule, development of that same lot will not be affected by the proposed revisions to the minimum land area.	Anonymous
Our area is less than 7 years old and we have annual inspection requirements for our systems. Why should you spend money for something that is all ready in place.	This proposal will create a statewide minimum standard for inspections. Some local jurisdictions already require a higher level of inspection, such as in your case. The proposal will require inspections every 1 -3 years depending on the type of system.	John Valentine
I am a home owner within the city limits, with a working septic system. After reading the proposed draft, I see no reason for state wide, one size fits all regulation of septic systems. If a local area has a problem with surface water contamination, then it needs to be addressed at the local level, Not with state wide regulations.	The State Board of Health adopts minimum state rules. The rules allow flexibility to local health jurisdictions	Jeffrey L. Wood

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<p>This piece will appear in the Lynden Tribune on Wednesday, February 9.</p> <p>Uh-oh. New government regulations are coming down the pike that will affect everyone who has a septic system now or plans to build one. Even if septic systems make you yawn, read this. This news could have a hefty impact on your pocketbook...or even on where you live. If your home is connected to a public sewer system, you need to pay attention, too. Should these regulations be implemented, your relatives may come knocking... looking for a place to stay! I just finished reading an 82 page document from Washington State's Department of Health (written in cahoots with the Department of Ecology), outlining an extensive revision of the state code for Onsite Sewage Systems (OSS). Their premise: Current regulations allow failing or inefficient septic systems to threaten public health with disease and birth defects. Consequently, the revision requires that</p> <ul style="list-style-type: none"> <li>• Most lots will need to be at least ½ acre in size to qualify for a septic permit.</li> <li>• Many parcels without the requisite half acre necessary for the septic system will be refused building permits.</li> <li>• Gravity-flow septic systems must be inspected by government certified inspectors every three years; Non-gravity systems: yearly. This inspection will investigate the entire system (not just the tank) according to the revised standards. Homeowners pay for these inspections, and will need inspection documentation to sell their property.</li> <li>• Existing systems won't be grandfathered. In other words, if they don't meet new inspection standards, they must be upgraded. Homeowners pay, of course.</li> <li>• If property size or soil structure can't accommodate the upgrade and owners can't tap into a sewer line, the property may be condemned without compensation to the owner. This is no joke! Homes have been condemned in Island County, where similar regulations already exist. If we really were in septic system danger, I'd view the whole thing differently. But even the Dept. of Health's own analysis doesn't prove a need for these changes. After citing seven isolated incidents (only one in Washington) of suspected OSS water contamination that led to disease over the past thirty three years, that DOH analysis states, "It is impossible to address whether OSS are associated with an increase in the incidence or prevalence of enteric [intestinal] infections." In addition, "Assessing the impact of OSS on the risk of 'methemoglobinemia' [blue baby syndrome caused by excess nitrogen] is similarly difficult...very few cases are reported." When discussing EPA statistics on viral and bacterial illnesses, the DOH's own report speaks to the success of current regulations: "Fortunately, in large part because of the current regulations, such outbreaks are relatively rare...OSS are being located, designed, and installed with higher levels of quality control...relatively low numbers of outbreaks in the United States are related to standards for OSS..." Most of us have heard ugly stories of a pipe from an old home dumping sewage directly into a county ditch—or of a neglected septic system that smelled up the neighborhood. But are inadequate septic systems the norm? Do we need new regulations? Wouldn't we be better served by improved monitoring and maintenance according to existing regulations—instead of allowing the Departments of Health and Ecology to change land use law and create financial hardship or loss of property use for homeowners? What do you think? You can read the proposed rules and make comments at</li> </ul>	<p>This opinion piece also appeared in the Whidbey News-Times by Joseph Mosolino.</p> <p>Regarding ½ acre minimum lot size- This requirement does not apply to existing lots. For lots being subdivided, current lot sizes down to 12,500 (current minimum) are available with appropriate justification and/or additional treatment. The one half acre is a starting point for considering new lots, not the requirement. Also, this only applies inside urban growth areas because those areas outside urban growth areas must already meet larger lot size requirements.</p> <p>Regarding operation and maintenance inspections- Currently homeowners are required to check their tanks every three years for solids. The proposal simply extends the requirement to a review of the entire system. And for systems other than gravity, once a year. A certified inspector is not required. A homeowner can still check their own system.</p> <p>Regarding existing systems – Existing systems are grandfathered for the design requirements in place at the time of approval. They will not need to be upgraded and no properties with functioning onsite systems will be condemned.</p>	<p><a href="mailto:CherylBostrom@Windermere.com">CherylBostrom@Windermere.com</a></p>

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<p><a href="http://www3doh.wa.gov/policyreview">http://www3doh.wa.gov/policyreview</a>. The public comment period for this final revision is open until February 18, 2005. Then on March 9, the state Board of Health will hold a hearing on the changes. (Related bills before the legislature are HB 1458 and SB 5431. Track them at <a href="http://www.leg.wa.gov/BillInfo">http://www.leg.wa.gov/BillInfo</a> .) Author, speaker, and educator Cheryl Bostrom is a Realtor in Lynden. You can email her at.</p>		
<p>I have read briefly through all 60 pages of the proposals. I wish they could be shorter so those of us other than the lawyers on the hour clock could really read them.</p> <p>That aside, here are my comments:</p> <p>I am a real estate broker with an unpopular view from my colleagues. I agree with the proposed changes of minimum lot sizes and the other changes as I can reasonably ascertain in reading the document. Those objecting probably do not live with a septic. I do. I am also a farmer and am concerned with water quality. I am most concerned with the too lenient attitude of the Health Dept. with regard to the known failing systems in Skagit County. These people live in half million dollar and up properties, but can't fix a health hazard? Come now! I have lived in areas with community septic also and would like to see more of that. Nothing guarantees a developer of maximum density without regard to future problem solving. I am very familiar with the Glenhaven subdivision in Alger and would hate to see more of those go in without the future planning required for eventual and probably inevitable failures over time. I am not anti-development at all and know it is inevitable as farming continues to fail here. I just want some protections built into the system for the long term, not just short term profits of a few who get a majority voice.</p> <p>Thank you for your attention to this important matter.</p>	<p>The statements are consistent with the intent of the existing rules and the proposed changes.</p>	<p>Rhonda Gothberg 15203 Sunset Road Bow WA 98232</p>
<p>It is ridiculous to use broad statistics to support rule making like this. As with most things that happen in this world many factors contribute to an end result. From what I have read these rules are trying to accomplish two goals: reduce the amount of illness from waterborne pathogens, and trying to save the shellfish industry. Taking your first crusade, clean water, should one not first ask these questions. What are the direct and indirect causes of these USEPA reported illnesses? How many cases are caused from faulty septic systems, how many are from poorly maintained wells, and how many occur during a catastrophe like river flooding and hurricanes? Are they avoidable? In the case of contamination due to a faulty septic system, was the system installed by a professional or "Cowboyed" in by a landowner? What is an acceptable level of illnesses per year due to waterborne contaminants, and by the way zero is not an acceptable answer? Upon further investigation of these questions one might come to the conclusion that 60% of these 202,000 cases occur in low lying flood plains where annual flooding is common place, and further regulation would not provide any relief. I'm not saying that it would be the case, but a more direct relationship should be established. The other reason for these rules, shellfish endangerment, should already be able to be handled by the state. If a site is endangered then work with the source of the pollution to fix the problem. Wide</p>	<p>Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. The proposed revisions represent a compromise between many competing interests in how to best manage OSS.</p>	<p>Craig Loidhamer</p>

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<p>sweeping rules don't solve site specific problems. Trying to save everyone from everything seems to be the latest trend in government. Without a direct connection between the perceived problems and the intended solution how can these new rules ever be tested to see if they ultimately were the correct solution? The answer is that they cannot and they would most likely continue on into infinity draining dollars from consumers, while not solving the underlying problem.</p>		
<p>To whom it may concern:</p> <p>I am writing to you with great concern about the Department of Health's proposed septic system evaluation procedures. If implemented, these new procedures <u>will</u> have devastating effects both on the real estate industry in our state as well as the economic viability of many landowners.</p> <p>I have no doubt that the Department of Health may believe it is acting in a manner that is beneficial to the public. However, I feel the proposed plan is much too broad in its scope and does not take into account many factors that must be considered if a rational plan is to be implemented. First of all, there are many differences in the ecology of different regions of our state that must be considered. It is understandable that the Department may find it beneficial to impose new guidelines requiring minimum lot sizes that are .5 acres in size in some areas and under certain conditions. This may be of benefit for lots that are very near bodies of water and when soil types dictate a larger lot to more adequately distribute waste products. This is not applicable to all lots statewide. The differences in ecology must be reviewed before any new lot size requirements can be applied. It would be irresponsible for the Department to impose new regulations without first considering these differences. I do not believe that has happened. There needs to be different requirements for different lots depending on the nature of the local ecology. It may best serve the public, and hence the Department, if the guidelines for lot size requirements were left up to the local governing authority who is most familiar with the local conditions. A blanket rule would benefit no one.</p> <p>Further, the Department should not implement this plan without first considering the economic backlash this would have on many of our state's property owners. There are many properties that are currently considered lots since they meet the current minimum size guidelines, that would not conform to the Department's new proposed statewide lot size guidelines. The new guidelines would render these properties useless from a residential use perspective. This would result in the devaluation of these properties having two grave consequences. First, the devaluation would result in lower assessed values which would decrease the amount of tax revenue that would be collected. In many areas this would have a devastating effect on the local economy. Many rural areas, especially in Eastern Washington, rely on these taxes. This is something the Department must factor in to any proposal they are considering. Second, since the Department's proposed</p>	<p>The rules do address the individual needs of each lot. The .5 acre for public water is the new starting point for sizing lots. Smaller sizes are available if analysis shows that public health will not be jeopardized.</p> <p>For creation of new lots, a method will be available, as it is in the current rule that will allow lot sizes available under the current rules. For undeveloped, existing lots of record no real change is occurring – a lot that can be developed under the current rules can be developed under the proposed rules. Growth management requirements usually restrict the use of new OSS in urban growth areas, but where determinations are made that OSS can be used in such situations, lot sizes currently available will be available when technical justification is developed and presented.</p>	<p>Paul Mares Realtor, GRI, ABR Premier One Properties 509-662-3491 office 509-670-2119 cell <a href="mailto:paulmares@verizon.net">paulmares@verizon.net</a></p>

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<p>rule change would result in property that is now useless, there would be the opportunity for a class action lawsuit filed by these landowners against the Department of Health. The likely result would be a long and protracted court battle which would cost the taxpayers an incredible amount of money and needless amounts of time and resources. It is very plausible that these landowners would end up winning their lawsuit since the Department is imposing this ruling without considering the differences in the ecology of varying regions of the state costing the taxpayers even more. The end result would be a court's directive that this blanket rule is unfair and is detrimental to the public interest. It is my belief that the Department needs to consider this before moving forward.</p> <p>Finally, it is my understanding that the Department's proposed ruling change would implement required periodic testing of all septic systems in the state. This is ridiculous and unnecessary! There are many in the septic installation and maintenance industry who will attest to the fact that the ideal way to handle a septic system is to leave it alone and let the anaerobic system in the tank do what it is designed to do. Continuous tampering is not helpful or required. If a system does become a problem, there are telltale signs that cannot be ignored by the system owner. Most common is the leaching of drainfield materials through the surface of the ground. This is very noticeable and does not require a Health Department inspection to determine. Having the system inspected as a routine part of a sale on the home is the current accepted procedure. This has served the public very well over the past and will continue to do so into the future. In addition, there would not be enough Health Department officials to do all of the required inspections as proposed by the new rules. This would overtax a system that is already at full capacity. The resulting bottleneck would slow down home sales and cause further economic injury to the state. I feel this is something the Department should summarily dismiss from their proposal as being unnecessary and impractical.</p> <p>I appreciate your consideration of my comments. Please feel free to contact me if you have any questions.</p>	<p>A system owner is responsible for his/her own system. They can either care for it themselves or hire a certified individual to do the work.</p> <p>Just like a car or a furnace, an OSS must be properly used and cared for if it is expected to function properly and for a long time. Monitoring and maintenance of OSS is critical. The proposed O&amp;M changes help assure that. This should increase the probability of longer system life expectancies and cost savings to the system owner. The homeowner will be the primary recipient of the expected benefits of longer term system life and cost savings. Public health is protected also.</p>	
<p>RE Code 246-272a: we believe that the septic system installers will just use this rule as an excuse to sell us something we don't need by condemning our present systems. In turn, we will be hit with additional county property taxes as the state is apparently keeping itself out the picture altogether.</p>	<p>Existing working systems are grandfathered for the design requirements in place at the time of approval. They will not need to be upgraded and no properties with functioning systems will be condemned. When a new system or a repair is to be installed, the existing and proposed rules try to simplify the process so it's clear what type of system is necessary.</p>	<p>Sheila and Louis Jaramillo</p> <p>PO Box 198 Southworth, WA 98386</p>
<p>I just read an article in the paper concerning "New government regulations concerning On-site Sewage Systems (Septic tanks). This is one of the most bazaar stories concerning government sneaking around and pushing a bill through without allowing people time to find out what it all means. I am writing this comment</p>	<p>The rule revision process has been an open one. Committee meetings were open to the public. Anyone who was interested could receive committee meeting announcements and</p>	<p><a href="mailto:garyschwake@yahoo.com">garyschwake@yahoo.com</a></p>

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to you, but I am also writing a letter to state representatives and radio stations. I have not seen or heard of any cases of bacterial illnesses within the state of Washington caused by this. After reading a few articles concerning these things I don't see the concern, it appears that the current regulations are working. You are not thinking of the homeowners at all. The loss of property, if the lot can't accommodate a septic system. What is the state doing about putting extended sewer systems in areas like this? What about the old people that are retired and have to pay for a inspection every year, and can't make ends meet the way it is. This will just add them to the homeless thing the state can' figure out now, let alone when a stupid law like this passes. Has there been any thought about the lawsuits that this is going to cost the state, is that factor figured into the bottom line? Or is this just another screw the little guy out of their property the government does every once in awhile.	information on workshops, available drafts, etc. Eight informal workshops were conducted around the state in May/June 2004. Six formal public workshops were held around the state after press releases were distributed to the media in the state in Nov./Dec. 2004. Two other workshops were held in other locations at the request of specific counties. No property is expected to be lost due to the proposed rules. Changes in inspection frequency (can be conducted by the system owner if they desire) will help assure systems are functioning properly. The homeowner will be the primary recipient of the expected benefits of longer term system life and cost savings. Public health is protected also.	
County Governments should be able to implement their own restrictions as needed for their own areas! DO NOT pass these broad based rules that individual home owners will be financially strapped to pay!!!	The State Board of Health rules do and will serve as the minimum regulations that must be applied by local health jurisdictions. This is to assure that consistent, minimum levels of public health protection are provided throughout the state. Counties may be more stringent if needed.	slange@wavecable.com
"When those who are governed do too little, those who govern can -- and often will -- do too much." -- Ronald Reagan "Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies." --Groucho Marx "The end of the human race will be that it will eventually die of civilization." --Ralph Waldo Emerson		Tom Wong
These requirements go WAY beyond anything necessary to "protect" the public! The financial hardship on individual home owners is EXTREME and should NOT be implemented!	The proposed changes are modifications to rules that designed to protect public health. Costs have been considered..	slange@wavecable.com
When will the needless, burdensome regulations and taxation stop? Why must you people constantly attempt to impose costly and unnecessary "feel good" fixes to the entire state just because you have "heard" anecdotal cases of extremely rare problems? Are you really that much in debt to the enviromental lobby? Or is it just arrogance?? This is nuts!!! I ask you to listen to reason and logic and stop wasting our time and especially money with this nonsense! Let the local governments do their job and handle this at the appropriate level. Here's a novel idea: Come up with 500 cases of the failure this is designed to detect/remedy and prove that this is an epidemic before you put your fingers in our wallet just so you can feel that your making a difference. THINK OF THE COST TO THE PEOPLE YOU REPRESENT!!!!	Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions to the existing rules being proposed. The proposed revisions represent a compromise between many competing interests in how to best manage OSS. Costs were considered in the decision-making process.	Michael Buschke
I am very much against this proposal to "tax" every home owner with an annual septic inspection. I just paid over \$15,000 to have a designed and engineered system installed at my new home, to include a 100% reserve	Changes in inspection frequency (can be conducted by the system owner if they desire) will help assure systems are	Douglas G. Smith



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<p>area. It is absurd to require every household to have to pony up money for an annual inspection. I have alarms in two tanks for possible failures within my system and I am no where near any special water areas. I think this is just another way to get millions of dollars out of Washington tax payers that we would have no control over the legislation. It also looks like an attempt to create additional open space management with no cost to the govenment, by requiring 1/2 acre lots. Any lot less than 1/2 acre would be virtually worthless to the owner who would have no recourse for compensation. Market value would plummet. While benefitting developers that own large tracts, and thus vastly increasing the price of a home to the consumer because of your increased (double) land requirement. This is a bad and ill-conceived idea with no scientific justification and should be trashed. Stay out of our pocketbooks. The only people that would be in favor of this proposal would be the septic inspectors.</p>	<p>functioning properly. The homeowner will be the primary recipient of the expected benefits of longer term system life and cost savings. Public health is protected also. If an undeveloped, existing lot of record can be developed under the current rule, development of that same lot will not be affected by the proposed revisions to the minimum land area.</p>	
<p>I have some concerns about the proposed rule changes and the potential cost implications to homeowners for mandatory septic inspections. The cost to the taxpayers to implement and monitor such a program could be better spent solving true problems. Increasing awareness, education and grant programs will be as effective without being a cost burden to the majority of owners who are responsible. Those on fixed incomes are especially burdened.</p> <p>Additionally, the limiting of lots size is not a function of the Department of Health but a land use action which is addressed in the Comprehensive Plan. In Island County we have many areas with good soils and are zoned for 3 dwelling units per acre. Limiting this to 2 dwelling units will further diminish our buildable lands.</p>	<p>Owners of systems that have problems or fail, face an increasingly high cost in repair or replacement of a system. Proposed changes to the inspection frequency (can be conducted by the system owner if they desire) will help assure systems are functioning properly. The homeowner will be the primary recipient of the expected benefits of longer term system life and cost savings. Public health is protected also. For creation of new lots, a method will be available, as it is in the current rule that will allow lot sizes available under the current rules. For undeveloped, existing lots of record no real change is occurring – a lot that can be developed under the current rules can be developed under the proposed rules. Growth management requirements usually restrict the use of new OSS in urban growth areas, but where determinations are made that OSS can be used in such situations, lot sizes currently available will still be available when technical justification is developed and presented.</p>	<p>Marchele Hatchner</p>
<p>I am directly affected by your proposed new septic system rules. Do not allow these to be instituted without more feedback from the public. I am asking all my representatives and the governor to stop this unnecessary overregulation from going any further.</p>	<p>The State Board of Health is considering revisions to an existing rule, not new rules. The committee doing the initial work included stakeholders from affected interests, including homeowners. Public workshops, informal public comment periods, and the recent formal public comment period provided information that was useful in developing the revisions to be considered by the State Board of Health. The</p>	<p>Mark McDonald [mark@conceptssolutions.com]</p>



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	process was designed to seek comments from all interested parties.	
<p>My wife and I are concerned about the proposed regulations regarding septic tanks and wish to register our strong opposition to any revision to the state code based on the health department study referred to in The Whidbey News Times on February 12, 2005. We have lived for 17 years in Island County, six miles outside of Oak Harbor, in a rural community of approximately 100 homes, none of which are on lots as large as 1/2 acre. Sewer service from Oak Harbor is not available. There appears to be the potential that our homes could be condemned. Could this happen? Considering the apparently limited resources available to service existing septic systems and install new ones it is hard to imagine how long it would take to implement such far reaching requirements.</p> <p>The results of the study absolutely do not warrant such severe requirements that will result in excessive costs and potential condemnation and loss of property. Current regulations are adequate to protect the health and safety of citizens. Please interject some common sense into this situation and defeat this proposal.</p> <p>We are also concerned about the lack of publicity of this proposal which will potentially have such a devastating effect on so many people in the state.</p>	<p>Working existing systems will not have to be upgraded to the proposed standards. Only systems that fail, or homes that are being remodeled (expanded; add a bedroom) will need to be updated. In the case of system failure, there are a number of provisions that make allowances for inadequate setbacks or vertical separations. Only in the most extreme public health failure situations would a home be condemned.</p> <p>Two public workshops were conducted in Island County (on both Camano and Whidbey Islands) to help communicate to the residents of that county. They were announced in the local papers. These workshops were part of a series of workshops held throughout the state. These workshops followed a round of informal workshops held in mid-2004 and two informal public comment periods.</p>	Rawson Mordhorst
<p>Forgive me if I offend, but, this sounds more like people who learned what they know from books creating job security for themselves.</p>	<p>Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. The proposed revisions represent a compromise between many competing interests in how to best manage OSS.</p>	Renier Elenbaas
<p>Look to and enforce existing regulations before adding to an already draconian set of rules that the citizen must wade through to accomplish the mere task of constructing a home. Has anyone noticed the absolute shortage of available, buildable land in this land rich state? The GMA along with so many other state and local regulations make building or even purchasing a home in this state a monumental task. Prices are soaring and we wonder why. The State of Washington along with local government has created an artificial shortage of land, taking from us our property rights one at a time, under the guise of growth management. This assault on property rights must stop. Pass these regulations and you have just created another hurdle to development and growth in this state. Surely that isn't the intended goal-is it?</p>	<p>The proposed changes to the existing on-site sewage rules intend to prevent future problems by assuring systems are designed, installed, used, and cared for properly. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. The proposed revisions represent a compromise between many competing interests in how to best manage OSS. The revisions intend to also increase the probability of a longer-term life expectancy for systems, and a resulting long-term</p>	Jason Overstreet

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<p>BEST LAID PLANS OFTEN DO NOT WORK THE WAY THEY ARE SUPPOSED TO. OVER THE MANY YEARS OF MY LIFE AS I WORKED WITH HEALTH DEPARTMENTS ALL OVER THE STATE I HAVE SEEN THE LOCAL CONTROL MAKE HORRIBLE MISTAKES IN JUDGMENT REGARDING SOILS ANALYSIS AND DESIGN OPTIONS. WHEN BUILT AS INSTRUCTED BY THESE "OFFICIALS" FAILURES RESULTED ALMOST INSTANTLY. I AM SURE THIS IS THE "QUICK FIX APPROACH" TO OVERCOMING SMALL OBJECTIONS TO THIS PROPOSAL. AS A "FIX ALL" APPROACH TO MITIGATING INDIVIDUAL SITUATIONS THIS IS A DISASTER, AS AN EXAMPLE AS THE LAST TIME I DID A SYSTEM THE LOCAL GUY HAD TO CALL OLYMPIA TO GET AN "APPROVAL" FOR WHAT WAS A SIMPLE NORMAL SYSTEM (WHICH WAS SHOWN AS AN OPTION IN YOUR PUBLISHED DESIGN BOOK.) I SEE NO WHERE IN THE TEXT WHERE YOU EVEN ADDRESS THE CONDEMNATION OF THE MANY LOTS NOT BUILT OUT THAT ARE LESS THAN .5 ACRES. YET BLANKET APPROVAL FOR THESE DEVELOPMENTS IS RECORDED ON THE ORIGINAL PLATS IN MOST CASES. TO RE-NIG ON THIS APPROVAL BY CHANGING STANDARDS IE; LAND SIZE IS A TAKING. LAND OWNERS PROPERTY WILL BE DAMAGED AND THE REALITY OF NOT EVEN BEING ABLE TO OBTAIN THE PERMIT BECAUSE OF THE SIZE LIMITATION BRINGS QUESTION OF WHO IS GOING TO PAY FOR THE EFFECTIVE CONDIMINATION OF THE PERSONAL PROPERTY BY MEANS OF THIS PROPOSED RULE. TO SAY NOTHING OF THE PROBLEM OF REMODLING AN EXISTING HOME OR REPLACING A DRAINFIELD WHERE THE SPACE HAS ALREADY BEEN ALLOCATED BY APPROVED EXISTING DESIGN. OUR CONSTITUTION PROTECTS ITS CITIZENS FROM THIS TYPE OF TAKING FOR "PUBLIC GOOD" WITHOUT JUST COMPENSATION. IN MOST JURISDICTIONS IF REPLACEMENT OF A HOME WHICH (FOR EXAMPLE )BURNED DOWN WAS REQUIRED THIS WOULD ELIMINATE THE POSSIBILITY OF REBUILDING ON THE SAME SIZE LOT (UNDER .5 ACRE). THUS WE HAVE MORE TAKE. MULTIPLY THIS BY THE NUMBER OF LOTS THAT ARE NOT AT LEAST .5 ACRES AND ARE BUILT OUT THROUGH OUT THE STATE AND THE POTENTIAL IMPACT IS HUGE. AT VERY LEAST SOME SORT OF BLANKET GRANDFATHERING MUST BE INCLUDED IN THIS PROPOSAL. IF A LOT EXISTS NOW IT SHOULD BE ALLOWED TO EXIST IN PERPETUITY OR SOMEONE SHOULD HAVE TO PAY THE LAND OWNER FOR THE EFFECTIVE CONDIMINATION THIS PROPOSES. IF THE STATE FEELS LIKE IT HAS TO CHANGE THE RULES THEN THEY SHOULD HAVE TO PAY FOR THE CONDIMINATION. PERSONAL PROPERTY RIGHTS IS THE DIFFERENCE BETWEEN OUR COUNTRY MOST OF THE REST OF THE WORLD AND IT IS HIGH TIME TO ADDRESS THE PROTECTION OF PROPERTY RIGHTS OF THE INDIVIDUAL IN PROPOSED RULE MAKING. THIS WHOLE TACT APPEARS TO BE YET ANOTHER ATTEMPT AT "GROWTH MANAGEMENT" WHICH IS A DISASTER IN OUR AREA AS WELL AS ACROSS WASHINGTON AS SHOWN BY A RECENT WSU STUDY.</p>	<p>savings for the system owner.</p> <p>Existing working systems are grandfathered for design criteria in effect at the time of approval. They will not need to be upgraded and no properties with functioning systems will be condemned. If an undeveloped, existing lot of record can be developed under the current rule, development of that same lot will not be affected by the proposed revisions to the minimum land area.</p> <p>There are no proposed changes on how remodels or expansions are to be handled. The current rules already deal with expansions (addition of bedrooms, for example) but do not speak to remodels. No changes are proposed for expansions. Repairs have the same capabilities in the proposed rules as in the current rules.</p>	<p>Steve Crisp</p>
<p>The proposed changes do not adequately inform the public of the potential costs involved. The DOH has not supplied timely, accurate or sufficient economic impact evaluations to the public. When would these "costs" to the public be made available and who is working on cost estimates? It is not clear to the public if the DOH is going to make all current septic systems upgrade to having risers to grade and inspection ports on lateral</p>	<p>The consideration of the costs and benefits of this proposal are contained in the Significant Legislative Rule Analysis and the Small Business Economic Impact Statement. These documents are available online at the Wastewater</p>	<p>Joseph Mosolino</p>

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<p>lines. In a presentation in Island County, the presenter was not clear on this subject. In Marine Shoreline areas where sole sufficient aguafers are prominent have there been documented cases of contamination? Is the DOH planning on making clear the number or degree of failed and/or contamination cases in Washington State requiring the proposed changes? Will the DOH explain to the public why the current OSS regulations on the books are not sufficient? It is a fact that several of the members of the current Rules Development Committee (RDC) are not satisfied with the current proposal. Several have commented publicly that the current proposal is "not the document that they agreed to." Can the proposed changes be implemented when there is current dissent among the DOH's own Rules Development Committee? Does the proposed rewrite infact make ANY currently buildable property less than .5 acres not buildable after implementation of the proposed changes? If so, is there a plan for compensation to the property owner? Are the changes in soil classifications uniform throughout Washington state? Do they differ in eastern Washington and western Washington? Can county health departments accurately monitor annual septic inspections? Some of the current technology available for alternate systems are far better than a standard gravity system. Is it a waste of money and man power to require annual inspections for some systems that don't need them. Is the DOH going to address this? End of comments.</p>	<p>Management Program's website.</p> <p>Existing systems will not have to add risers to bring their systems to grade. The changes to the design and installation standards apply only to new systems, repair systems, and expanded systems (such as a home that is adding bedrooms.) The only new requirements for existing systems are the expanded operation and maintenance requirements – including checking the entire system not just the solids in the tank every three years for gravity systems and annually for more complex systems</p>	
<p>2/17/05 re: WAC 246-272 The Washington Onsite Sewage Association (WOSSA) would like to offer these comments to the Washington State Board of Health on the procedures leading to the proposed revisions to WAC 246-272. The process was put in place to bring all the represented parties to agreement on the areas of change or addition in the existing rule. We feel strongly that the process that produced the final version and current proposed revision became seriously flawed. · The language in the proposed revisions has been rewritten many times since the last full meeting of the RDC. · It has never gone back to the committee for full review as a group. · The committee has never come to consensus on the final draft · If members have not kept up with their mail, they may not even recognize the latest version. The Onsite Advisory committee was convened in 2001 to make recommendations to the Department of Health on what the priorities were for the onsite field in the State of Washington. This document should have been followed more closely by DOH when laying the groundwork for the rule revision committee. Various constituent groups (stakeholders) who worked on the revisions may have gotten some changes that met their individual needs as did WOSSA, but the final version falls short of the mark of what was needed and the opportunity to take full advantage of the industry potential in the review process. Industry and WOSSA members have to live and work under the scope of change in the total rule until another rule revision is done. We feel that this will put undue and unnecessary additional operational costs on business owners and unneeded pass through costs to the end user. The rule as written does not reflect the state of the onsite/decentralized world and the general direction it is being lead, in performance based standards. The proposed rule as written, is lacking in many areas. Many other states and even other countries are looking at writing codes within a performance standard rather</p>	<p>Recommendations of the Onsite Advisory Committee provided priority issues to be addressed by the Rule Development Committee (RDC). The stated intent of the RDC was to evaluate the current rules and develop recommendations for revisions to them. The RDC consisted of 25 individuals including members of the onsite sewage industry (designers, installers, monitoring professionals) as well as other stakeholders, many of them having competing interests. RDC decisions were then presented to the public around the state in two statewide sets of workshops, two informal public comment periods, and the recent formal comment period. The proposed revisions represent a compromise between many competing interests in how to best manage OSS.</p> <p>As for performance standards, this issue was discussed at length by both the TRC and the RDC. Performance standards work very well for large sewage treatment systems where samples are easily and regularly taken. However, no</p>	<p>JR Inman 2005 WOSSA President</p>

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<p>than a prescriptive model. Examples are the National Onsite Wastewater Recycling Association (NOWRA) Model Code and British Columbia Sewage Regulations and Standards. We feel to get the best outcome to meet regulatory guidance for Public Health, Environmental protection, industry and the consumer, this proposed rule change should not be implemented until it can be corrected. WOSSA as the representative for the Onsite Industry does not support the revision to WAC 246-272 as it is presently written</p>	<p>consensus could be reached about single sample numerical standards that would definitively determine if an OSS is working. In addition, the resources that would be necessary for homeowners and local governments to test systems would be very great. At this time, performance standards may be helpful as a guidance tool for diagnosing problems. However, a regulatory performance standard is not realistic at this time. The proposed rule contains a requirement for a review every four years. By then it is hoped the NOWRA model code will be complete and British Columbia will have some experience with their new process.</p>	
<p>Effective management of septic systems is critical for our health and the health of our environment. This is especially true for Island County but is also critical for all counties that impact Puget Sound in any way. The problems that are happening in Hood Canal should be a wake-up call for all of us.</p> <p>The inspection system proposed should be the initial system. However, local health department personnel should be given the flexibility to increase or decrease the frequency of inspections based on actual onsite findings and recommendations of the field inspectors. New septic systems or newly updated or repaired systems may not need annual inspections. Consideration should also be given to some type of fee schedule that would govern the inspection cost.</p> <p>Something needs to be done to protect low income folks, especially seniors. If inspections or repairs are needed, low interest loans or some other methodology should be in place to insure that the inspections and/or repairs actually get done. A lien could then be placed against the property, payable on any change in title.</p> <p>As an incentive for compliance with the required inspections, a system of fines, equal to or exceeding the actual inspection cost, should be in place. Any non-compliance with the program should result in fines that become liens if not paid within a reasonable period following their determination.</p> <p>The Health department should also address the "scare tactics" being used to oppose the proposed septic rules revision. The public should know exactly how 1/2 acre parcels are effected and what records need to be retained.</p>	<p>System inspections certainly will provide information on how systems are performing. Additionally, if done frequently enough, they will note any trends that can lead to finding problems before they become failures. Too frequently, nothing is done until a failure occurs – an expensive and time consuming event. The rules propose revisions to help better assure proper use and care of systems. Local health jurisdictions can require more frequent inspections if adopted by the local rule making processes, but they can't allow less frequent inspections than the frequency specified by the proposed rules.</p> <p>A number of counties have low interest loan programs available. The legislature is contemplating providing assistance to these programs.</p> <p>Since the state regulations serve as minimums, local jurisdictions can add the detail necessary to accomplish what their local populace desires.</p>	<p>Tom Cahill  4637 Tanner View Dr.  Clinton, WA 98236</p>
<p>Two important questions that I would like to see addressed:</p> <p>1.) Were any of processed septic repairs compiled as failures, when they were actually upgrades or modifications to properly working systems, yet permitted as repairs due to the more timely and less expensive permitting process.</p> <p>2.) How would this rule affecting developments that allowed lot size averaging (i.e. rural clusters) where although the lot size is less than .5 acres, the density for the development can be up to 1 unit per 20 acres?</p>	<p>1) It is doubtful that any upgrades were considered repairs, though a statewide data doesn't exist. A repair permit is to be issued only to correct failures. Repairs typically cost more than upgrades.</p> <p>2) Cluster development and systems on small lots permitted in the current rules is unchanged in the proposed rules.</p>	<p>Greg Wright  25507 Mountain Dr.  Arlington, WA 98270  (425) 238 - 4091</p>

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<p>I am displeased how quickly and surreptitiously this is moving forward. Please stop this process until all questions can be addressed.</p>	<p>Thus, lot size can be quite small if the overall “average” density meets the requirements.</p> <p>The rule revision process has been underway for 3 years. It has included work by a broad stakeholder group and two rounds of informal workshops around the state to gather public comment.</p>	
<p>I just read an editorial about new rules for OSS that would not only have more requirements, but would also require more inspections and, most importantly, would not be grandfathered. This would put another unfunded mandate on counties for the inspections and would also penalize rural homeowners who maintain their OSS, but whose OSS would not meet the new requirements. In this time of budget constraints and lowering incomes, the citizens of Washington would end up with more expenses and the state would have less income with the condemnation of property (i.e., no property taxes). Since there is no scientific evidence that these new requirements are needed, please reconsider your actions and withdraw the proposed changes to OSS.</p>	<p>Existing working systems are grandfathered for the design criteria in effect at the time of approval. The proposed rules do not require systems to be upgraded unless they fail or the home is expanded. Changes in inspection frequency (can be conducted by the system owner if they desire) will help assure systems are functioning properly. The homeowner will be the primary recipient of the expected benefits of longer term system life and cost savings. Public health is protected also.</p>	<p>A concerned rural property owner</p> <p>(No name or contact information provided)</p>
<p>This comment concerns changes to size of land per on-site sewage system.</p> <p>I am a Realtor on the Peninsula just north of the Mouth of the Columbia River.</p> <p>This Peninsula is seeing a growth that has not happened in the past. The size of the lots, especially in the area called "Surfside Estates" are small but can be hooked up to community water system. With the growth in this area there is no way that a septic system on almost every lot could possibly be healthy. This area needs it's own sewage plant.</p> <p>As a matter of fact this whole Peninsula needs a sewage system. We are experiencing a growth on the entire Peninsula with new construction and an on-site sewage system will ruin our entire water system within a few years.</p> <p>I encourage those that have a say to kindly lend your masterminds to a complete over haul of this Peninsula.</p> <p>thank you kindly</p>	<p>We agree that sewage needs to be properly disposed.</p>	<p>Patricia Cruse, Realtor  Skyline Properties South  crusep@pacifier.com</p>
<p>...the existing WAC has more merit than the proposed rule revision. The intended purpose in revising the WAC is to reflect the necessary changes to protect public health, the environment and the <u>consumer</u>....</p> <p>While reviewing the regulations we found a great deal of modifications have been made by individuals appearing to lack any scientific or practical knowledge of the onsite industry. In fact, the State has directly ignored many of the RDC's comment that may have provided for a quality rule revision.....We are concerned that the proposed regulations do not include a financial means by which they can be enacted in either the shellfish sensitive areas of Western Washington or the economically depressed Eastern Washington.....The proposed regulations do little to protect the individual citizens of Washington from</p>	<p>These rules protect public health by reducing the risk of system failure and extending the life of systems. To a great extent this goal coincides with consumer protection.</p> <p>However, developing rules that will protect consumers from failures in all cases is a much higher standard. In order to ensure consumers are completely protected from failures, design requirements would limit the kinds of sites available for development and the operation and maintenance</p>	<p>Matt Lee, General Manager  Bill Stuth, Sr., President  Aqua Test, Inc.</p>

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<p>failing onsite systems and the economic impacts related to these failures. ....many systems failed as a direct result of inadequate regulations. Many taxpayers become victims when forced to repair their systems at considerable expense per regulation only to fail again. If the state is proud and determined to protect its natural resources it should do so equally for the citizens and protect their financial resources by providing adequate regulations that will guarantee onsite systems.</p>	<p>requirements would be so frequent and so detailed as to be unacceptable to homeowners.</p>	
<p>...During the informational workshop on Dec 14<sup>th</sup>, we were told that the draft was the result of several RDC meetings over several months. We were also told that the draft is the result of both “Best Science” and the consensus process to which the RDC member had agreed. My experience with “consensus process” is that it facilitates predetermined outcomes by denying the sunshine effect or inconvenience, of minority reports to decision makers.</p> <p>One of my written question/comments asked that the final rule identify which elements were based on “best science” and which elements were the result of “the consensus process?” My reason for asking for that differentiation is that I believe “Best Science” should be the only basis for this rule.</p> <p>I am concerned that:</p> <p>a. Washington State Health Officials, and Planning Officials, have not adequately cooperated in addressing the economic (Affordable Housing) impacts of both the WAC Onsite Sewage Systems Draft and the GMA Hearings Boards decisions concerning minimum lot sizes.</p> <p>b. Predetermined Rule outcomes are ignoring “Best Science” and public comments on the Onsite Sewage Systems Draft.</p> <p>(See file for entire comments.)</p>	<p>The development of policies, such as these rules, always requires consideration of a combination of science and other factors including economic, legal and cultural. Science provides information. However, it is not unusual for different professionals and interests to have different opinions on what the science says and how it is best applied. That is why different interests were consulted during the rule revision process to make sure the differences were understood and a group decision could be made. It is up to policy makers to determine a course of action based on the information available, scientific and otherwise. The EPA and studies from universities around the country provided scientific information. The department and the State Board of Health rely on advisory committees, such as the RDC to help decide a course of action.</p>	<p>Rufus Rose</p>
<p>As a Realtor and resident of Whidbey Island, I am concerned that the proposed rule recommends increasing the minimum lot size requirements for an OSS to .5 Acres which will increase the cost of housing, decrease the number of families in WA state that can afford a home, and decrease the number of buildable lots. The majority of people move every 3-5 years and nearly every sale on Whidbey Island includes a septic inspection along with pumping of the septic tank if the solids exceed 18 inches. Therefore these consistent inspections are already in place. It appears that DOH is simply adding more costly government regulation to what the private sector has already covered.</p> <p>I don't know what constitutes your failure numbers, but a simple repair of replacing a baffle in an OSS should not be considered a repair. A septic failure on Whidbey is very rare and when such a failure occurs it is very obvious to the homeowner. In my opinion, we do not need the government to impose further regulation beyond what the public sector already has in place.</p>	<p>For the creation of new lots, a method will available, as it is in the current rule that will allow lot sizes available under the current rules (down to 12,500 sq feet). For undeveloped, exisiting lots of record no real change is occurring – a lot that can be developed under the current rule can be developed under the proposed rules. Growth management requirements usually restrict the use of new OSS in urban growth areas, but where determinations are made that OSS can be used in such situations, lot sizes currently available will be available when technical justification is developed and presented.</p>	<p>Sheila Davies</p>

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	Changes in inspection frequency (can be conducted by the system owner if they desire) will help assure systems are functioning properly. The homeowner will be the primary recipient of the expected benefits of longer term system life and cost savings. Public health is protected also.	
As a new homeowner, it upsets me that the government is legislating itself into a position to make one inspection and be able to remove a family from their home with no compensation and take away everything they have worked toward. Rethink your proposal, show substantial supporting evidence and continue to allow public comment until we can work out an agreeable rule. Thank you.	If an inspection determines that a system is failing, there are many alternatives to addressing the public health risk short of condemning a property. This is true of the existing rules as well as the proposal.	Danny White
It would seem that the need for proper documentation of a problem is needed before you "fix" it. Homeownership is expensive enough without having to worry about the government swooping down and telling us that not only is the septic system inadequate, but that the place is condemned and no compensation will be forwarded. Just leave your home and hard earned /spent money behind and figure out a way to start over. I will not deny that an inspection now and then would probably keep the problems from cropping up, but the need for completely rebuilding a system that is in working order just because it doesn't meet a certain design is just plain silly. Again, why fix something that isn't broken and has very little proof of causing harm.	Preventing future problems, not just responding to current problems, is the key to public health protection. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. Existing working systems are grandfathered. They will not need to be upgraded and no properties with functioning systems will be condemned. Changes in inspection frequency (can be conducted by the system owner if they desire) will help assure systems are functioning properly. The homeowner will be the primary recipient of the expected benefits of longer term system life and cost savings. Public health is protected also.	TeriWhite
I don't want to be a crank who spouts off about "evil" government officials with nefarious goals. I respect the fact that well-meaning officials are trying to make everyone safer. But, enough! Enough! The materials I've reviewed here are vague and fail to make anything like an effective case for the need for this burdensome regulation. What will it take to get our state officials to realize that we citizens are voting down levys and voting in tax- curbing legislation not because we are greedy, but because we are broke?! What sense does it make to require everyone with a septic system in this whole state to submit to more trouble and fees, rather than dealing with problems when they arise? What sense does it make to create another large layer of expensive, tax-eating government to administrate hundreds of thousands of inspection documents? It's the same logic as requiring 10,000 teatotalers to pay \$1500 more for the installation of breathalyzers in all new cars, because 100 people drive drunk. In conclusion, stop! Please stop regulating and feeing us to death!	The Department does not believe the proposed changes are sweeping or broad. The majority of the changes are refinements of standards that have existed for many years. The proposed changes to the existing on-site sewage rules intend to prevent future problems by assuring systems are designed, installed, used, and cared for properly. The combined direction provided by research and the experiences of professionals in the field, as well as recommendations by USEPA, resulted in the revisions being proposed. The proposed revisions represent a compromise between many competing interests in how to best manage OSS. The revisions intend to also increase the probability of a longer-	Larry Vander Griend

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	term life expectancy for systems, and a resulting long-term savings for the system owner.	
<p>I only found out about these proposed changes yesterday and am rushing to get my comment in. I quickly read over the information on the website and am alarmed. Not only alarmed, but also outraged.</p> <p>I understand that the people who generate these proposals are experts who have the public good in mind. I do not want to take their studies lightly or insult their expertise. However, the information about the problems cited is vague and seems to clearly state that there is little direct evidence to create a cause-effect relationship. And on the strength of this dubious case, we are going to "shotgun" the entire population of Washington State with a massive "one-size-fits-all" fix which once again costs our citizens unnecessary fees? When is the state government going to learn that those of us down here in the trenches of the every-day struggle to make ends meet just can't afford this always-building, never-ending tidal wave of new taxes and fees?</p> <p>Please, please stop! I built my home on acreage two years ago on a shoe-string budget. In the middle of the process I ran afoul of a state-mandated change in water-quality regulations that I knew nothing about. Due to a change in allowable arsenic from miniscule to hyper-miniscule, I was suddenly required to spend \$9000.00 on engineering, designing and installing a filtration system. It nearly cost me my home before it was ever finished. Now I have come to find out that the rules which were so strict when first instituted have been relaxed to the point that simply pumping out my well for a while would probably have obviated the need for the filtration system at all.</p> <p>Please understand that your policies have real-life consequences for innocent people and do not institute these ill-conceived regulations.</p>		Larry Vander Griend
<p>The Washington Association of REALTORS appreciate the opportunity to comment on the proposed on-site septic rule. We are supportive of the stated goals behind the rule, and appreciate all the work done by the RDC. However, there is a serious lack of empirical documentation to support the underlying assumptions about the role that septic systems may or may not play regarding water quality. For this reason we believe the rules should be suspended until a system is in place that can inventory septic systems and provide accurate information about real problems that need to be addressed. Beyond that, we are concerned that the rules are not as clearly written as they could be, leading to a misunderstanding of the actual operation of the rule. For example, it needs to be made even more clear that homeowners will be able to do their own inspections. The rule also needs to clarify that existing lots will not be subject to the new rules. A further concern is that new minimum lot sizes are going to limit development on otherwise buildable lots. These proposed rules should be tabled until all the foregoing concerns have been addressed satisfactorily. Thank you again for the opportunity to comment on this proposal</p>	<p>Preventing future problems, not just responding to current problems, is the key to public health protection. DOH believes the rules clearly indicate 1) the homeowner is responsible for the inspections and 2) undeveloped existing lots of record are not subject to the minimum land area requirements (there is no effective change from the current rules).</p> <p>For creation of new lots, a method will be available, as it is in the current rule that will allow lot sizes available under the current rules. For undeveloped, existing lots of record no real change is occurring – a lot that can be developed under the current rules can be developed under the proposed rules</p>	Larry D. Stout, Assistant Director, Legal & Environmental Affairs, Washington Association of REALTORS



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<p>I think that maintenance is very important for a septic system; and, I have no objection with checking alternative system TANKS every year. But, why would you have to check the entire system each year? The important thing is to check the solids and the scum layer thickness. If everything is OK, and the system was properly sited in the first place, then, the important thing is to keep the solids or bacteria-killing items from getting out of the tank and into the drainfield. More septic owners are going to education classes; and, a manual for each septic owner would help. We have a real lack of affordable housing here; I don't want a new, unnecessary rule to make it more unaffordable.</p> <p>We are a Marine County. While the Sequim-Dungeness Valley has three aquifers, and two aquitards, we are in an aquifer recharge area. So, we are an "area of special concern." I fail to see the "disastrous" effects of nitrates in the water--and, the common sandlined trench, pressurized drainfield will remove quite a bit of the nitrates.</p> <p>I also fail to see the huge amount of septic failures alluded to in the Rule. Our County counts repairs as failures. In the case of a repair, we are assuring that the system will not fail! I don't see the reason for this rule--where is your evidence of all the failures?</p> <p>I agree with the minority report so well written by Steve Wecker. I also ask that you would allow method II for ANY pre-exisiting, legally-created lot of less than 1/2 acre, on public water, which can support an approved septic system.</p> <p>I wish I had the time to do a more thorough review. Thank you for the opportunity to comment.</p>	<p>Maintenance is very important. Checking the solids levels in the septic tank is important, but it only tells you what may be happening in the tank. What's really important is what is happening in other parts of the system – pump chamber if pressure distribution, drainfield (the most expensive and typically the most critical part of a system), or other alternative. Looking at the entire system will give a homeowner a much better idea of what's happening, allowing them to spot problems before they become a failure, which is both expensive and time consuming. Looking at the entire system, and properly using and caring for it, increases the probability that a system will last longer and experience long-term cost savings. You are correct, education for each and every system owner/user is important and everyone should have a manual for their system.</p>	<p>Marguerite Glover</p>
<p>You need to take some time off and go fishing and keep your dammed hands off our septic systems. Quit regulating us to death. Jean</p>		<p>Jean Martin</p>